



01-17-07

14P13 REC'D PCT/PTO 16 JAN 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Saleh Osman

Docket No.: US020557

Application No.: 10/538,632 Conf.:

Art Unit: 2818

Date Filed: June 10, 2005

Examiner: Earl N. Taylor

Title: PRESERVING LINEARITY OF AN ISOLATOR-FREE POWER AMPLIFIER BY  
DYNAMICALLY ADJUSTING GAIN AND PHASES

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
25 JAN 2007  
Legal Staff  
International Division

Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a USPTO notice or action dated April 18, 2006.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

*NOTE: A grantable petition requires: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer w/disclaimer fee (IF filed before 6/8/1995); and (4) Statement that the entire delay was unintentional.*

1. PETITION FEE UNDER 37 CFR §1.17(m):

☒ Please charge the petition fee to Deposit Account 50-4019.

2. REPLY AND/OR FEE:

☐ The reply and/or fee to the above-noted Office Action in the form of \_\_\_\_\_  
☐ has been filed previously on \_\_\_\_\_.  
☒ is enclosed herewith.

☐ The issue fee:  
☐ has been paid previously on \_\_\_\_\_.  
☐ is enclosed herewith.

3. TERMINAL DISCLAIMER WITH DISCLAIMER FEE:

☒ Since this application was filed after June 8, 1995, no terminal disclaimer is required.  
☐ A terminal disclaimer and the required disclaimer fee disclaiming the required period of time is enclosed herewith.

4. STATEMENT:

☒ The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

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Please charge any [redacted] which may be required, or credit any [redacted] payment to Deposit Account No. 50-4019.

Date: 15- JAN-2007

Respectfully submitted,

By Peter Zawilski  
Peter Zawilski, Reg. No. 43,305  
(408) 474-9063  
NXP, B.V.  
Intellectual Property Department  
1109 McKay Drive MS41-SJ  
San Jose, California 95131

Enclosures: ☒ Fee Payment  
☒ Reply  
☐ Terminal Disclaimer Form  
☐ Additional sheets containing statements establishing unintentional delay  
☒ Other: Petition under 37 CFR 1.47(a); SB-122 Change of Corr. Address

**CERTIFICATE OF MAILING or TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to "Commissioner for Patents, Washington, D.C. 20231," or being facsimile transmitted to the USPTO at (703) 308-6916, on the date indicated below.

(Date) \_\_\_\_\_ (Signature) \_\_\_\_\_  
(Name) Vilimaina Naga



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/538,632 Confirmation No.  
Applicant : Saleh Osman *et al.*  
Filed : June 10, 2005  
TC/A.U. : 2818  
Examiner : Earl N. Taylor

Docket No. : US020557  
Customer No. : 65913

Title : Preserving Linearity of an Isolator-Free Power Amplifier by  
Dynamically Adjusting Gain and Phases

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR 1.47(a)**

Sir:

In response to the April 18, 2006 Decision in response to Applicants' petition under 37 CFR 1.47(a) filed on February 9, 2006, Applicants request reconsideration in light of renewed efforts to locate the non-signing inventor, Saleh Osman. These efforts begun in October 19, 2006 were not successful. Attached is a declaration presenting the facts of the renewed effort and a Petition to Revive the above-captioned application.

Applicants believe that a sufficient effort has been made in attempting to obtain signature of the non-signing inventor. Therefore, acceptance of present application with a non-signing inventor under 35 CFR 1.47(a) is earnestly requested.

Please charge any fees other than the issue fee and credit any overpayments to Deposit Account 50-4019

**Declaration of Facts Regarding Inventor's Unavailability** begins on page 2.

RECEIVED  
25 JAN 2007  
Legal Staff  
International Division

## **DECLARATION OF FACTS REGARDING INVENTOR'S UNAVAILABILITY**

I Peter Stephen Zawilski declare that:

I am managing the prosecution of the above-referenced patent application.

In response to the Decision on Petition of April 2006 rejecting the declaration of the attorney who had prepared the application, Dicran Halajian, I made additional efforts to locate Saleh Osman so that he may sign the Oath and Declaration.

The present application is being prosecuted by NXP, B.V. Previously, Philips Intellectual Property & Standards was managing this case as a part of Koninklijke Philips Electronics, N.V. (KPENV). The NXP organization was spun-off from KPENV on October 1, 2006 as an independent entity.

Mr. Saleh Osman is no longer employed by Koninklijke Philips Electronics, N.V. (KPENV) or NXP, B.V.

1). As described in Exhibit 1, an E-mail dated October 17, 2006, to co-inventors Jarek Lucek and Richard Keenan was sent requesting contact information. Another colleague, Korne Vennema was contacted as well. None these individuals could supply me with information. Mr. Lucek wrote that "Shortly after filing the patents we have let him go." Mr. Osman no longer works for Philips.

2). As shown in Exhibit 2 using the last know address for Mr. Osman, I requested my Assistant, Vilimaina Naga to mail a copy of his application (as was filed on June 10, 2005) with a replacement Oath & Declaration, Cover Letter, a Prepaid Return Envelope (having tracking number EL 995158902 US) and my Business Card via Express Mail from the US Post Office on October 20, 2006 (having a tracking number of EL 995158964 US)

3). As shown in Exhibit 3, after two attempts to deliver the documents on October 22, 2006 and on October 23, 2006, the US Postal Service returned the application packet to our office in San Jose, California on January 11, 2007 and it was stamped "UNCLAIMED."

4). As shown in Exhibit 4, on January 15, 2007, I performed a Google Search under Mr. Osman's name and address. I attempted to telephone Mr. Osman at the phone number provided, (781) 440-9065; received recorded message that the number was "no longer in service and there was no additional information." Google displayed Mr. Osman's address as 2906 Village Road West, Norwood, MA 02062.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: 15-JAN-2007

By Peter Zawilski  
Peter Zawilski  
Registration No. 43,305  
(408) 474-9063

Correspondence Address:

NXP, B.V.  
**Intellectual Property Department**  
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San Jose, CA 95131 USA

CUSTOMER NUMBER: 65913